

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 03 2012 ★

LONG ISLAND OFFICE

-----X
John Patterson

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

J.P. Morgan Chase
Bank

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)
-----X

SUMMONS ISSUED

COMPLAINT

Jury Trial: ☒ Yes ☐ No

CV-12 2198
FEUERSTEIN, J
BROWN, M. J.

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

Name John Patterson
Street Address 660 GAZZOLA Drive
County, City E. Patchogue
State & Zip Code N.Y. 11772
Telephone Number 917-796-6962

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name J.P. Morgan Chase Bank
 Street Address 340 S. Cleveland Ave.
 County, City Westerville
 State & Zip Code OHIO 43081-8317
 Telephone Number 866-578-7022

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☒ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right

is at issue? Defendant violated Federal Laws, and Bank Laws,
by wrongful levy detainer and seizure of property,
that resulted in a denial of due process of law.
Absent any notification, or order of judgment served Plaintiff.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? In The State of New York

B. What date and approximate time did the events giving rise to your claim(s) occur? Thereafter or about February 22, 2011

C. Facts: See attached Facts

What happened to you?

Hereto ATTACHED
See Exhibit - 1 - dated February 4, 2011.

Who did what?

See Exhibit - 2 dated February 22, 2011

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

See attached injuries

STATEMENT OF CLAIM

In the State of New York, in there or about the month of February 22 2011, and thereafter, the Plaintiff's spouse, Ingrid C. Gordon Patterson, in which, both the Plaintiff and spouse were separated then and now, allege this illegal detainer and a violation of Plaintiff rights under the 5th and 14th Amendment of the USCA. Whereas, it was alleged that the Plaintiff's spouse owed the State of New York a Tax debt from her 2010 taxes filed. Wherefore, the Chase Bank placed a lean detainer on both the Plaintiff's checking and savings accounts. However, at no time did the bank notify the Plaintiff of any such action, or detainer as a result of the alleged debt. Whereas, the plaintiff in this action is the primary account holder, and had the right to know that a lean for judgment had been placed against the accounts. Moreover, this action was only brought to the attention of the Plaintiff when the Plaintiff attempted to withdraw funds from his checking account. The Plaintiff then made contact with both the Chase Bank, levy section, located in Columbus, OH, the New York State Dept., of Taxation and Finance, levy Receivable Dept., after being informed why the lean was placed, who had place this lean. The Plaintiff was then instructed what could be done to have his funds returned, and what documents that needed to be sent, by fax, as proof that Plaintiff is , indeed, the sole and primary account holder, and that all deposits were made by the Plaintiff. This was done. The Chase Bank, in return, agreed to hold the foregoing action, until the documentation was provided to the New York State Dept., of Finance, and would wait to be contacted of confirmation. The New York State Dept., of Finance was in agreement as well. However, the Chase Bank did not keep their agreement, and arbitrarily sent forth all the Plaintiff's funds from both checking and savings accounts to the New York State Finance Dept... The New York State Dept., of Taxation was contacted by Plaintiff and was informed that the Chase Bank did not wait for their confirmation of the proof of documentation sent.

This disregard and breach of the Chase Bank's promise left the Plaintiff penniless. Plaintiff was unable to buy food, support his on for the next few months, money

for transportation to and from his place of employment. In addition, no debts or household bills could be paid, and all checks were returned for insufficient funds with fees, as well.

STATEMENT OF INJURIES

As a result of Chase Bank Blatant disregard to contact the primary account holder, Plaintiff suffered needless humiliation, and extreme embarrassment in having all his monthly bills returned for insufficient funds. In addition, the Plaintiff also incurred additional fees for all returned checks, due to insufficient funds, from not only Chase Bank, but from other businesses, as well. Moreover, Plaintiff's monthly mortgage payment was returned, and reflected on Plaintiff's credit rate score as a decrease in score, as well as, a month behind in payment of his mortgage. Plaintiff also did not have sufficient food in his household, nor did he have funds to give his son for lunch money for the next few weeks. Further, Plaintiff could not pay the co-payments needed for his medication for his son, and for his son's mother. In addition, the Plaintiff had to endure below standard of living with his son, because of not being able to pay for heating oil fuel for his household.

Request for Relief:

As a blatant result of Plaintiff's Constitutional Rights violated; having the Right to be notified, as the primary and sole account holder, the Chase Bank illegally seized, and detained both Plaintiff's checking and savings accounts. And, by doing so, deprived Plaintiff of life, liberty, and property, without due process of law. In which, the funds were taken for public use. This illegal detainer action also resulted in unnecessary suffering, anxiety, and pain due to anxiety. Therefore, the

Plaintiff is asking this Honorable Court to award the Plaintiff the amount and sum of \$ 5,702.23, for actual damages, in the seizure of both the accounts. The Plaintiff is also asking the Court for relief in punitive damages in the amount and sum, of \$ 90,000.00, for depriving the Plaintiff of the reasonable Standard of life, and for illegal actions taken, without due process of law. In addition, for unnecessary suffering, anxiety, pain, due to anxiety in leaving the Plaintiff without any funds to support himself, or other that depend on him for support.

Finally, the Plaintiff is requesting that this Honorable Court award him any other relief as deemed just and proper for actual and punitive damages suffered.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.


See attached Relief:

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3 day of May, 2012

Signature of Plaintiff

Mailing Address


660 Gazzola Drive
E. Patchogue, N.Y. 11772

Telephone Number

Fax Number (if you have one)

917-796-6962

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

J.P.Morgan

JPMorgan Chase Bank Court Orders and Levies
P.O. Box 183164
Columbus, OH 43218-3164

Customer Service Information

Telephone	1-866-578-7022
Fax	1-866-699-0618

INGRID GORDON-PATTERSON
660 GAZZOLA DR
E PATCHOGUE, NY 117724952

As required by federal or state law, we've placed a hold on your Chase account(s)

Dear INGRID GORDON-PATTERSON:

We recently received the enclosed levy, which a government agency is using to enforce a financial obligation you owe. As a result, federal or state law required us to immediately place a hold on your Chase account(s). The total levy amount is \$5,702.23.

Important: If you think we placed this hold on your account(s) by mistake, please call us at the telephone number above.

Here are additional details about the hold:

Received Date	Account Number Ending in	Amount of Hold
Friday, Feb 04, 2011	8183	\$960.66
Friday, Feb 04, 2011	9538	\$4,866.57
Friday Feb 18, 2011	9538	\$ 5,702.23

We know this situation is difficult because you can't access your money and the legal system is complicated. Although we're not permitted to give you legal advice, we've provided some information below to help you understand and resolve this issue.

Hold amount

As a result of the hold, you can't withdraw the amount of the hold above from your account(s), in person, at an ATM or online. In addition, you can't use this money to pay outstanding checks or complete any other banking transactions, such as online payments or wire transfers. Please note: The hold amount may be less or greater than the amount that's currently in your Chase accounts.

Fees

You may need to adjust your account balance to reflect some fees that will result from the hold:

- We'll charge your account(s) a separate Legal Processing fee of \$125.00, which is different than the other fees below.
- Checks you've recently written from the account(s) above may be returned as unpaid. If this happens, your account(s) will be charged Overdraft or Insufficient Funds fees. If the remaining balance in your account(s), after we deduct the hold amount and Legal Processing fee, isn't enough to cover any other unpaid checks, your account(s) will be charged additional Insufficient Funds fees. We would like to help you avoid additional fees.

Legal advice

If you need legal advice, you should consult your attorney. If you're unable to afford a private attorney, visit the Legal Services Corporation Web site at www.lsc.gov to determine where to go in your area for assistance.

COAL-04Feb11-3127
LCCL2

Page 1 of 2

818 435-8700

L 032 225 420

BRUF - note + all documents of proof to
Mr. Kelly
NYS Taxation
Supervisor

706 7022
878 0722

J.P.Morgan

Friday, February 04, 2011

Getting your money back

You may be able to get your money back. Federal and state laws protect certain money and other property, such as Social Security, Supplemental Social Security (SSI) and veterans benefits, from being used to pay most judgments or orders.

Depending on where you live, this protected money and other property also may include funds from public assistance (welfare), alimony or child support, unemployment benefits, disability benefits, public or private pensions and workers' compensation benefits. However, the protection generally doesn't extend to business accounts. If you think your funds may be protected, we recommend you immediately contact the issuer of the levy.

Releasing the hold on your account(s)

We can only accept a written release of a levy, and the release must be signed by the issuer of the levy. Generally, you're the only one who can ask the issuer of the levy to release your funds.

For more information about the hold release or to obtain a written release, please call the issuer of the levy at **(800)872-7400**. If you obtain a written release, please ask the issuer or the court to fax it to us at the number above for the fastest service. Or, the issuer or the court can mail the release to us at the address above.

We're required by law to hold the funds in your accounts until:

- We send the funds to the issuer of the levy according to the levy terms; or
- The period of time we're required to hold your funds expires. If there's a **hold expiration date**, you'll see it on the enclosed levy; we recommend you review the levy carefully.

We hope this information was helpful and you're able to resolve this difficult matter soon. Please call us at the telephone number above if you have any questions.

Sincerely,

Court Orders and Levies

Enclosure(s)

Date: February 22, 2011

From: John H. Patterson
660 Gazzola Drive
E. Patchogue, N.Y. 11772

To: NYS, Dept of Taxation and Finance
NYS AR LEVY RECEIVABLE
P.O. Box 4137
Binghamton, NY 13902-4137

IN REF: L 032225420
Ingrid Gordon Patterson
Tax ID: 109-70-3730

Dear Sirs/and or Madam: To Whom it may concern,

The levy place on my account is a mistake for the following reasons: My wife, Ingrid Gordon Patterson, and I have been separated for about one year. However, she was place on my account for emergency reasons, especially since she has been sick and unemployed with my son. All the money place in the account is from direct deposit from the two jobs that I work. My wife has never place any money in my account while separated, and she has always filed her taxes as married separate.


Therefore, I would like to request that the levy against my account be released. I would also like request, and to help my wife out with this problem, is to have \$ 200.00 deducted from account monthly so that she does not default again. My wife will also check for any return refunds for 2010 as well.

Nevertheless, I am also sending as proof of my deposits with pay stubs, and bank statements. In which, will also show direct deposits.

Exhibit-2

Your prompt response in this matter will be appreciated, because I have no money to do anything with, or to help my wife and son financially as well.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Patterson", with a long, sweeping horizontal line extending to the right.

John H. Patterson
073-40-0545